

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CASE NUMBER 08-CV-1722

GD DEAL HOLDINGS, LLC

PLAINTIFF

v. **REQUEST TO CONSIDER PRIOR MOTION FOR DEFAULT JUDGMENT AND**
ENTRY OF CHARGING ORDER AGAINST
JUDGMENT DEBTOR'S INTEREST IN SAPPHIRE SUPPLY, LLC
AS A MOTION FOR SUMMARY JUDGMENT PURSUANT TO RULE 56

SURINDER MULTANI, et al.

DEFENDANTS

** ** *

Comes now the Plaintiff, GD Deal Holdings, LLC ("GD Deal Holdings"), by and through counsel, and, pursuant to FED. R. CIV. P. 56, FED. R. CIV. P. 69, and 805 ILCS 180/30-20, and hereby request that the Court consider its prior Motion for Default Judgment and Entry of Charging Order Against Judgment Debtor's Interest in Sapphire Supply, LLC ("Sapphire Supply"), filed herein in July 23, 2008 (Docket No.41) as a Motion for Summary Judgment. As grounds for this request, the Plaintiff states as follows:

1. On July 23, 2008, GD Deal Holdings filed its Motion for Default Judgment and Entry of Charging Order Against Judgment Debtor's Interest in Sapphire Supply, LLC. At the time that this motion was filed, Sapphire Supply, LLC, had not filed responsive pleadings.

2. On July 26, 2008, the Defendant, Sapphire Supply filed an answer to the Plaintiff's complaint. To date, no response or objection has been filed to the Motion for Default Judgment.

3. In light of the late filed answer, the Plaintiff request that the Court consider the prior Motion for Default Judgment as a Motion for Summary Judgment pursuant to FED. R. CIV. P. 56 without the necessity of refiling the Motion.

WHEREFORE, the Plaintiff, GD Deal Holdings, LLC, requests:

1. That the Court consider the prior Motion for Default Judgment as a Motion for Summary Judgment;
2. An Order requiring Sapphire Supply to produce a copy of all agreements concerning Surinder Multani's interest and the interest of other members in Sapphire Supply, together with evidence showing the interest of Surinder Multani in the income of Sapphire Supply;
3. A charging order against Surinder Multani's interest in Sapphire Supply or any other entity or joint venture in which Surinder Multani has an interest; and
4. Such further relief, at law or in equity, that the Court deems just and proper.

THOMAS M. FALKENBERG
WILLIAMS MONTGOMERY & JOHN LTD.
20 North Wacker Drive, Suite 2100
Chicago, Illinois 60606-3094

-and-

HARNED, BACHERT & DENTON, LLP
324 East Tenth Avenue
Post Office Box 1270
Bowling Green, Kentucky 42102-1270

/s/ Scott A. Bachert
SCOTT A. BACHERT

CERTIFICATION:

This is to certify that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court this day, August 5, 2008, by using the CM/ECF system, which will send a notice of electronic filing to the following:

Hon. Lucia Nale
Hon. Diane Renae Sabol
Hon. Nicole J. Highland
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 630606-4637
Counsel for Citibank

Hon. Robert T. Kuehl
WELTMAN, WEINBERG & REIS CO., L.P.A.
180 N. LaSalle Street, Suite 2400
Chicago, Illinois 60601
Counsel for Fifth Third Bank

Hon. James O. Stola
3701 West Fullerton Avenue
Chicago, Illinois 60647
*Counsel for Surinder Multani,
Safanpreet Multani; ABBE Properties, LLC
Sapphire Supply, LLC; JGG Investments, LLC;
ABBE Capital and Leasing, LLC; ABBE Management Group, LLC
and Surinder Multani, as Trustee for Gurpriya Kaur Multani Irrevocable Trust,
Gurpap Singh Multani Irrevocable Trust, and
Japvi Singh Multani Irrevocable Trust*

This is to certify that a true and correct copy of the foregoing document was this day, August 5, 2008, placed in the US Mail, postage prepaid, addressed to the following:

Hon. Leroy Simms
6061 Savoy Drive
Houston, Texas 77036

Capital Access & Investments, LLC
c/o: Narendra Bhalla, Registered Agent
1718 Fry Road, Suite 415
Houston, Texas 77084

Babaji PS, LLC
c/o: Narendra Bhalla, Registered Agent
1718 Fry Road, Suite 415
Houston, Texas 77084

G & S Portage, Inc.
c/o: Ajai Agnihotri, Registered Agent
1856 Samuelson Road
Portage, Indiana 46368

/s/ Scott A. Bachert
SCOTT A. BACHERT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CASE NUMBER 08-CV-1722

GD DEAL HOLDINGS, LLC

PLAINTIFF

vs. **SUMMARY JUDGMENT AS AGAINST SAPPHIRE SUPPLY, LLC**
AND ORDER ENTERING CHARGING ORDER

SURINDER MULTANI, et al.

DEFENDANTS

** ** *

This matter having come before the Court on GD Deal Holdings, LLC's Motion for Default Judgment and Entry of Charging Order Against Judgment Debtor's Interest in Sapphire Supply, LLC, and its subsequent Request to consider the Motion for Default Judgment as a Motion for Summary Judgment, the Court finds as follows:

1. On May 11, 2007, the United States District Court for the Western District of Kentucky granted a judgment to GD Deal Holdings against Surinder Multani for the recovery of \$10,048,295.12 with interest thereon at the judgment rate.

2. On September 4, 2007, GD Deal Holdings registered the judgment in the United States District Court for the Northern District of Illinois, Case Number 1:07-cv-04965.

3. The judgment has not been satisfied.

4. GD Deal Holdings, LLC is entitled as a matter of right under 805 ILCS 180/30-20 to a charging order against any interest of Surinder Multani in a limited liability company. There is no just reason for delay in entry of a charging order.

5. Surinder Multani is a member of Sapphire Supply, LLC.

6. Sapphire Supply, LLC was served with process and a copy of the Complaint on March 31, 2008.

7. GD Deal Holdings, LLC filed its Motion for Default Judgment and Entry of Charging Order against Judgment Debtor's Interest in Sapphire Supply, LLC on July 23, 2008 (Docket No 44).

8. Sapphire Supply, LLC filed its Answer to the Plaintiff's Complaint on July 26, 2008 (Docket No 50).

9. GD Deal Holdings, LLC filed its Request to consider the Motion for Default Judgment as a Motion for Summary Judgment on August 4, 2008.

THEREFORE, IT IS ORDERED that the Plaintiff's Motion for Summary Judgment is GRANTED.

IT IS FURTHER ORDERED by the Court that the interest of Surinder Multani as a member of Sapphire Supply, LLC be and is hereby subjected to an encumbrance and charging order in favor of and for the benefit of GD Deal Holdings, LLC.

IT IS FURTHER ORDERED by the Court that Sapphire Supply, LLC pay over to GD Deal Holdings, LLC such amounts as may from time to time become payable or distributable to Surinder Multani by reason of his interest in Sapphire Supply, LLC.

IT IS FURTHER ORDERED by the Court that Surinder Multani pay to GD Deal Holdings, LLC such amounts as may from time to time become payable or distributable to Surinder Multani by reason of his interest in Sapphire Supply, LLC.

IT IS FURTHER ORDERED by the Court that Sapphire Supply, LLC produce, within fifteen (15) days of the date of this Order, a copy of all operating agreements for Sapphire Supply, LLC and/or any other agreement controlling the interest of Surinder Multani, with such documents to be provided to GD Deal Holdings, LLC's attorney, together with evidence showing the value of the capital and/or income attributable to the interest of Surinder Multani in Sapphire Supply, LLC

and copies of any and all tax returns filed during the last three (3) years on behalf of Sapphire Supply, LLC.

IT IS FURTHER ORDERED by the Court that Sapphire Supply, LLC file with the Clerk of this Court, within fifteen (15) days of the date of this Order, a sworn statement reporting to the Court all amounts distributable or payable to Surinder Multani at the time of this Order. In such sworn statement, Sapphire Supply, LLC shall state the value at the time of entry of this Order of both the capital and income account attributable to Surinder Multani's interest in Sapphire Supply, LLC.

Jurisdiction is retained for such further orders and proceedings as may be necessary.

DATED, this the _____ day of _____, 2008.

JUDGE, UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Tendered by:

THOMAS M. FALKENBERG
WILLIAMS MONTGOMERY & JOHN LTD.
20 North Wacker Drive, Suite 2100
Chicago, Illinois 60606-3094
Telephone: (312) 443-3200

-and-

HARNED, BACHERT & DENTON, LLP
324 East Tenth Avenue
Post Office Box 1270
Bowling Green, Kentucky 42102-1270
Telephone: (270) 782-3938

/s/ Scott A. Bachert
SCOTT A. BACHERT